

LANE POWELL PC

Matthew J. Macario
206-223-7744
macariom@lanepowell.com

April 1, 2005

Law Offices

VIA FACSIMILE - ORIGINAL BY MAIL

James B. King, Esq.
Keefe King & Bowman, PS
601 West Main, Suite 1102
Spokane, WA 99201-0625

*Suite 4100
1420 Fifth Avenue
Seattle, WA
98101*

(206) 223-7000

*Facsimile:
(206) 223-7107*

www.lanepowell.com

Re: Zlotnick v. Workland & Witherspoon, et al.

Dear Jim:

This will confirm our telephone conversation of Wednesday, March 30, 2005 in the above matter. I expressed my frustration at the continuing delays on the defense side, which have hampered our ability to move forward with the case. It is my understanding that we agreed as follows:

1. You agreed that Workland & Witherspoon is able to respond to discovery notwithstanding Mr. Lipsker's illness. I reminded you that our discovery requests to Workland & Witherspoon are more than one month overdue, and you indicated that you would provide us with answers to this discovery before the April 5 hearing on defendants' motion to continue.
2. You agreed to work with us to reach a mutually acceptable discovery schedule and trial date. During a previous telephone conversation with Jim Stoetzer, you agreed to a new trial date in late November or early December, with a corresponding adjustment of the discovery deadlines. Based on this agreement, I drafted a proposed stipulation and order amending the case schedule, which I sent to your office on March 21, 2005. I still have not received your comments to this proposed case schedule. A duplicate copy is attached to this letter for your review. Please get back to me as soon as possible. Obviously, the Court's own schedule will probably be determinative, but my hope is that we can present an agreed schedule to the Court prior to the April 5 hearing.
3. You agreed to work with us on scheduling the 30(b)(6) depositions. Your preliminary assumption is that Peter Witherspoon would be the designee, but I

*Anchorage, AK
Olympia, WA
Portland, OR
Seattle, WA
London, England*

James B. King, Esq.
April 1, 2005
Page 2

understand you need to review the notices again to determine whether he is in fact the appropriate designee for all subject matter areas covered in the notices.

Please let me know if your understanding of our agreement is different from the above. I look forward to hearing from you as soon as possible regarding the proposed stipulation and order.

Very truly yours,

LANE POWELL PC



Matthew J. Macario

MJM:mjm

Enclosure

cc: Mr. Al Zlotnick
David B. Zlotnick, Esq.
James B. Stoetzer, Esq.
Brian Meenaghan, Esq.

119488.0001/1188015.1